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Letter dated 23 May 2008 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General

Referring to the letter addressed to you by the President of the former Yugoslav Republic of Macedonia on 21 April 2008 (see A/62/826-S/2008/290), may I take this opportunity to update you on recent developments regarding this important issue.

You may recall that with resolutions 817 (1993) and 845 (1993) the Security Council proposed that the former Yugoslav Republic of Macedonia be admitted to membership in the United Nations under a provisional name, pending settlement of the issue. It further said that this issue needs to be resolved in the interest of the maintenance of peaceful and good-neighbourly relations in South-Eastern Europe. A process has been initiated, under your auspices, in order to find a mutually acceptable solution.

The decision to extend an invitation to the former Yugoslav Republic of Macedonia to join NATO as soon as a mutually acceptable solution to the name issue has been reached is a collective decision taken unanimously by the Heads of State and Government of the NATO member States at the Summit held in Bucharest on 3 April 2008. It is not a unilateral act of Greece, falling within the scope of article 11 of the Interim Accord, as is incorrectly implied in the letter addressed to you by the President of the former Yugoslav Republic of Macedonia.

Greece would like to note that the reason why it was not possible to extend, in Bucharest, an invitation for membership to the former Yugoslav Republic of Macedonia is that the latter, judged by her overall conduct vis-à-vis the name issue and towards a member of the Alliance, failed to meet the condition of the respect for the principle of peaceful and good-neighbourly relations. The presentation of this principle is included among the fundamental objectives of the Alliance, as stipulated in the North Atlantic Treaty, and, therefore, it is a prerequisite for accession. According to Security Council resolution 817 (1993), the name issue "needs to be resolved in the interest of the maintenance of peaceful and good-neighbourly relations in the region" and consequently, as long as this issue is not settled, at least

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one of the essential prerequisites for fully fledged membership in the Alliance, namely, the maintenance of peaceful and good-neighbourly relations, is not fulfilled.

In addition to the above essential elements, allegations that Greece has violated articles 11 and 5 of the Interim Accord, signed by Greece and the former Yugoslav Republic of Macedonia in 1995, are unfounded also from a purely legal point of view.

It is well known that the principle *pacta sunt servanda*, which is a fundamental principle of international law governing the contractual relations between States, is based on reciprocity, being a two-way road. Therefore, the Interim Accord cannot be implemented selectively and unilaterally, but as a whole and reciprocally, on the basis of the reciprocal application of the principle *pacta sunt servanda*.

In this context, it must be noted that the former Yugoslav Republic of Macedonia has been materially breaching the Interim Accord since its conclusion, by asserting and supporting territorial claims against Greece (material breach of articles 2, 3 and 4), by promoting and condoning irredentism (material breach of article 6, para. 2), by allowing and not discouraging acts inciting violence, hatred and hostility against Greece (material breach of article 7, para. 1), by continuing, without any justification, the inappropriate use of symbols pertaining to the historic and cultural patrimony of Greece despite the protest of the latter (material breach of article 7, para. 3) and by prohibiting historical research ("Law on Scientific and Research Activities", Government Gazette of the former Yugoslav Republic of Macedonia, volumes 13/96 and 29/02), which constitutes a material breach of article 8, paragraph 1. There is abundant and indisputable evidence corroborating these material breaches of the Interim Accord by the former Yugoslav Republic of Macedonia.

Even more so, the former Yugoslav Republic of Macedonia has violated both the letter and the spirit of article 5, paragraph 1, of the Interim Accord referring to the negotiations for the settlement of the name issue, because, by adopting a totally intransigent and inflexible stance, it has not complied with Security Council resolution 817 (1993), in which the Council urged the parties "to arrive at a speedy settlement of their difference". Since then, the position of the former Yugoslav Republic of Macedonia remains unchanged. In sharp contrast, Greece, showing her constructive and compromising spirit, has departed from her initial position and has accepted the idea of a compound name, which could also include the term "Macedonia". The juxtaposition of the attitudes of Greece and the former Yugoslav Republic of Macedonia as regards the willingness to achieve a compromise solution clearly shows which one of the two parties acts in compliance with the letter and the spirit of article 5, paragraph 1, and which of them does not.

In addition, it is the former Yugoslav Republic of Macedonia that has not respected the principle *pacta sunt servanda* with regard to the implementation of article 11, paragraph 1, of the Interim Accord and Security Council resolution 817 (1993), paragraph 2, which provides that the former Yugoslav Republic of Macedonia will be provisionally referred to for all purposes within the United Nations with this denomination, pending settlement of the difference that has arisen over the name of the State. In September 2007, Mr. Kerim, the President of the sixty-second session of the General Assembly, abusing his office, gave the floor to the President of the former Yugoslav Republic of Macedonia announcing him as "the President of the Republic of Macedonia", thus flagrantly breaching both the

letter and the spirit of the Interim Accord (article 11, para. 1) and Security Council resolution 817 (1993).

In the light of the above, the former Yugoslav Republic of Macedonia is not entitled to demand from Greece compliance with article 11, while she is constantly in breach of most of the provisions of the Interim Accord, by not fulfilling her obligations undertaken in the said treaty and violating thus the principle of *pacta sunt servanda*.

Notwithstanding the above, Greece remains committed to the Interim Accord, as well as to the relevant Security Council resolutions, and engaged in the negotiation process under United Nations auspices aimed at reaching a speedy solution to the name issue. It is in this spirit that Greece has renewed, in the aftermath of Bucharest, her invitation to the former Yugoslav Republic of Macedonia to work together, in order to find as soon as possible a mutually acceptable settlement, which will contribute to the improvement of neighbourly relations and the enhancement of regional security and peace, clearing thus the way of the latter towards the Euro-Atlantic and European institutions.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 120, and of the Security Council.

(*Signed*) John **Mourikis**
Ambassador
Permanent Representative

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Security Council

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30 May 2008

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Letter dated 30 May 2008 from the President of the Security Council to the Secretary-General

I have the honour to inform you that the members of the Security Council have decided to send a mission to Africa from 31 May to 10 June 2008. The mission will travel to Djibouti (on Somalia), the Sudan, Chad, the Democratic Republic of the Congo and Côte d'Ivoire. The segment of the mission concerning Somalia and the Sudan will be co-led by Ambassador Kumalo of South Africa and myself. Ambassador Jean-Maurice Ripert (France) will lead the segment concerning Chad and the Democratic Republic of the Congo and Ambassador Michel Kafando (Burkina Faso) the Côte d'Ivoire segment.

The members of the Council have agreed to the attached terms of reference for the mission (annexes I-V). The composition of the mission is as follows:

Ambassador Olivier Belle (Belgium)

Ambassador Michel Kafando (Burkina Faso)

Ambassador Liu Zhenmin (China)

Ambassador Jorge Urbina (Costa Rica)

Ambassador Ranko Vilović (Croatia)

Ambassador Jean-Maurice Ripert (France)

Ambassador R. M. Marty M. Natalegawa (Indonesia)

Ambassador Aldo Mantovani (Italy)

Ambassador Giadalla Ettalhi (Libyan Arab Jamahiriya)

Ambassador Alfredo Suescum (Panama)

Senior Counsellor Vladimir K. Safronkov (Russian Federation)

Ambassador Dumisani Kumalo (South Africa)

Ambassador John Sawers (United Kingdom of Great Britain and Northern Ireland)

Ambassador Alejandro Wolff (United States of America)

Ambassador Le Luong Minh (Viet Nam)

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I should be grateful if you could have the present letter and its annexes circulated as a document of the Security Council.

(*Signed*) **John Sawers**
President of the Security Council

Annex I

Security Council mission to Africa: Somalia

Led by Ambassador Dumisani Kumalo (South Africa) and Ambassador John Sawers (United Kingdom)

Terms of reference

1. To reaffirm the Security Council's respect for the sovereignty, territorial integrity, political independence and unity of Somalia.

2. To reaffirm the Security Council's commitment to a comprehensive and lasting settlement of the situation in Somalia through the Transitional Federal Charter, and to stress the importance of broad-based and representative institutions reached through a political process ultimately inclusive of all, as envisaged in the Transitional Federal Charter.

3. To welcome and encourage the continued efforts of the President, the Prime Minister and the transitional federal institutions to advance the political process and implement the relevant steps of the transitional period, as required by the Transitional Federal Charter, in particular:

- the agreement to prepare a timetable for the constitutional process leading to a referendum and free and democratic elections in 2009.
- the presentation of the Reconciliation Strategy of the Transitional Federal Government.
- engagement with clan and local leaders across the country.
- efforts to improve public finance management, including budgetary and fiscal processes.

4. To reiterate the need for agreement on a comprehensive and lasting cessation of hostilities and a road map for the remainder of the transitional process.

5. To express the determination of the Security Council to assist the Somali efforts through a strengthened presence and a more active role of the United Nations, including practical support of the Special Representative of the Secretary-General and the United Nations Political Office for Somalia, in fostering dialogue among Somali parties, contributing to the creation of a stable security environment, and coordinating the United Nations integrated approach towards Somalia.

6. To recognize the contribution that the African Union Mission in Somalia (AMISOM) is making to lasting peace and stability in Somalia, and to highlight the need to provide financial resources, personnel, equipment and services for the full deployment of AMISOM.

7. To express the Council's deep concern at the persistence of violations of human rights and international humanitarian law in Somalia, underlining the need for those responsible to be brought to justice, and to support work to promote and enhance the protection of human rights in Somalia.

8. To register the Council's serious concern at the worsening humanitarian situation in Somalia and to call on all parties and armed groups in Somalia to take appropriate steps to protect the civilian population, to ensure the safety and security of AMISOM, United Nations and humanitarian personnel, and to permit timely, safe and unhindered access for the delivery of humanitarian assistance to all those in need.

Annex II

Security Council mission to Africa: Sudan

Led by Ambassador Dumisani Kumalo (South Africa) and Ambassador John Sawers (United Kingdom)

Terms of reference

1. To reaffirm the Security Council's commitment to the sovereignty, unity and territorial integrity of the Sudan and the international community's determination to implement the Comprehensive Peace Agreement and resolve the situation in Darfur.

2. To stress that successful implementation of the Comprehensive Peace Agreement is essential to sustainable peace and stability throughout the Sudan, including Darfur, and in the region and to encourage further cooperation between the National Congress Party and the Sudan People's Liberation Movement in carrying out their responsibilities to further implement the Comprehensive Peace Agreement.

3. To urge the Government of the Sudan to intensify its efforts to resolve the crisis in Darfur, while expressing the Council's deep concern at the ongoing violence, impunity and consequent deterioration in the humanitarian situation in that region.

4. To reiterate the Security Council's support for the political process under the mediation of the United Nations Special Envoy for Darfur, Jan Eliasson, and the African Union Special Envoy for Darfur, Salim Salim, and to urge all parties to end the violence and engage constructively in a peace process in Darfur with a view to finding lasting peace in the Sudan.

5. To demonstrate the Security Council's profound appreciation of and support for the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and its personnel, and to reiterate its call on the Government of the Sudan, donors, troop contributors and all relevant parties to facilitate the full deployment of the force at the earliest opportunity as planned by the Secretary-General.

6. To underline its concern for the security of civilians and humanitarian aid workers and about humanitarian access to populations in need, and to call upon all parties in Darfur to cease offensive actions and allow full, safe and unhindered access of relief personnel to all those in need.

7. To reiterate its conviction that a reduction in tensions between the Governments of the Sudan and Chad is essential for lasting regional security and to call on both Governments to abide by their obligations under the Dakar Agreement of 13 March 2008, the Tripoli Agreement of 8 February 2006 and other bilateral agreements.

8. To underline the need to ensure that all Security Council resolutions are implemented, that the rule of law is upheld in all situations and that due process must take its course.

Annex III

Security Council mission to Africa: Chad

Led by Ambassador Jean-Maurice Ripert (France)

Terms of reference

1. To reaffirm the Security Council's commitment to the sovereignty, unity, territorial integrity and political independence of Chad and to the cause of peace in the region, in the context of the ongoing violence and activities of armed groups in Darfur, eastern Chad and the north-eastern Central African Republic.

2. To stress the Council's commitment to help the Chadian and Central African authorities to protect refugees from Darfur, internally displaced persons and other vulnerable civilian populations and facilitate the delivery of humanitarian assistance in eastern Chad and the north-eastern Central African Republic, through the deployment of a multidimensional presence in those areas.

3. To demonstrate the Council's support for the United Nations Mission in the Central African Republic and Chad and the European Union operation in Chad and the Central African Republic (EUFOR), and to recall that the Council has requested the Secretary-General to report to it in September, after due consultations with the Governments of Chad and the Central African Republic, on the arrangements for following up EUFOR, including a possible United Nations operation, depending on the developments in the situation.

4. To reiterate its conviction that a reduction in tensions between the Governments of the Sudan and Chad is essential for lasting regional security and to call on both Governments to abide by their obligations under the Dakar Agreement of 13 March 2008, the Tripoli Agreement of 8 February 2006 and other bilateral agreements.

5. To recall the Council's condemnation of the continuing activity of rebel armed groups in Chad, and to urge all concerned parties to respect the Syrte Agreement of 25 October 2007.

6. To encourage the Chadian authorities to persevere in promoting political dialogue with respect for the constitutional framework, as initiated by the agreement of 13 August 2007.

Annex IV

Security Council mission to Africa: Democratic Republic of the Congo

Led by Ambassador Jean-Maurice Ripert (France)

Terms of reference

1. To acknowledge the primary responsibility of the Government of the Democratic Republic of the Congo to consolidate peace and stability, and to promote recovery and development in the country, which require long-term sustained efforts and appropriate international support.

2. To reaffirm the Security Council's commitment to contribute to the consolidation of peace and stability in the Democratic Republic of the Congo, in particular through the United Nations Organization Mission (MONUC), bearing in mind that the Council has requested the Secretary-General to develop benchmarks for a future gradual drawdown of MONUC.

3. To express the Council's strong support for the new dynamic launched by the Nairobi joint communiqué of 9 November 2007 and the Goma conference of 6 to 23 January 2008, which together represent a major step towards the restoration of lasting peace and stability in the eastern part of the Democratic Republic of the Congo and the Great Lakes region.

4. To stress the Council's demand, as made in particular in resolution 1804 (2008), that the militias and armed groups that are still present in the eastern part of the Democratic Republic of the Congo lay down their arms, and to encourage efforts by the Government of the Democratic Republic of the Congo and regional cooperation to this effect, including improved relations between the Democratic Republic of the Congo and the Republic of Rwanda.

5. To urge the Congolese authorities, with the support of other States concerned, especially those in the region, to take appropriate steps to end the illegal trade in natural resources.

6. To call on the Congolese authorities to intensify as a matter of urgency their efforts to reform the security sector, including the army, the police and the justice sector, to welcome in this regard the round table on the reform of the security sector that was held on 25 and 26 February 2008 in Kinshasa and to discuss the way forward.

7. To emphasize the Council's support for the strengthening of democratic institutions, the rule of law, and good governance in the Democratic Republic of the Congo, including through the timely holding of local elections.

8. To encourage further efforts to address the grave humanitarian situation that persists in the Democratic Republic of the Congo, to protect vulnerable civilian populations, to promote and protect human rights and to fight impunity, including with regard to sexual violence perpetrated by armed elements.

Annex V

[Original: French]

Security Council mission to Africa: Côte d'Ivoire

Led by Ambassador Michel Kafando (Burkina Faso)

Terms of reference

1. To welcome the ownership of the peace process by the Ivorian parties in the framework of the Ouagadougou Political Agreement and its supplementary agreements.

2. To welcome the significant progress made since the signing of the Agreement and its supplementary agreements.

3. To express the Council's support for the activities of the Facilitator, his Special Representative and the Special Representative of the Secretary-General.

4. To further encourage the parties to implement fully and in good faith all the provisions of the Agreement and its supplementary agreements, underline the need to meet the timelines established therein and assure them of the Council's support in that regard.

5. To welcome the signing of regulatory decrees relating to the organization of the elections, in particular setting the date of the first round of the presidential election for 30 November 2008.

6. To urge the Government and the Independent Electoral Commission to resolve promptly the technical issues concerning the elections.

7. To welcome the signing on 24 April 2008 of the Code of Good Conduct by the major political parties in Côte d'Ivoire, and stress the need for it to be observed scrupulously by all the signatories.

8. To call upon the parties to ensure an environment favourable to the holding of free, open, fair and transparent elections, recall the importance of certification of all stages of the electoral process by the Special Representative of the Secretary-General and encourage the Government of Côte d'Ivoire to facilitate the presence of international observers during the elections.

9. To encourage the Government to ensure the security of polling places, voters and the Independent Electoral Commission and the dismantling thereof.

10. To encourage the involvement of civil society in the implementation of the Agreement, in particular the electoral process.

11. To point out that the Council will examine the sanctions regime in the light of developments in the peace process and the elections.

12. To urge the Ivorian parties to ensure the protection of the civilian population, in particular women and children.

13. To commend and encourage the United Nations Operation in Côte d'Ivoire and Force Licorne for their peacekeeping efforts.

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Security Council

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29 May 2008
English
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Letter dated 27 May 2008 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

From 19 to 22 May 2008, the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (POLISARIO), encouraged and supported by Algeria, once again marshalled troops and held political demonstrations in the Tifariti zone east of the berm, in full view of members of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

Given their recurrent nature and the mendacious propaganda and belligerent language that accompany them, these actions seriously undermine the ongoing negotiations, launched by the Security Council and supported by the international community, for the achievement of a lasting political solution to the regional dispute concerning the Sahara, thanks to the impetus provided by the Moroccan autonomy initiative.

These acts defy the authority of the Council, which called upon the parties, in its resolution 1813 (2008), to create "an atmosphere propitious for dialogue ... and the success of negotiations". In addition, these acts are likely to exacerbate the many confirmed security threats besetting the Sahelo-Saharan region.

You cannot but agree that these provocative actions reflect a deliberate strategy on the part of POLISARIO and its supporters in pursuit of the specific political aim of scuttling the political process and sapping the momentum towards a peaceful settlement which the international community has worked so hard to create.

Thus, such actions amount to nothing less than a direct breach of the Council's authority and a premeditated effort to obstruct the negotiation process which it launched and strengthened through its resolutions 1754 (2007), 1783 (2007) and 1813 (2008), in support of your efforts and those of your Personal Envoy to reach a negotiated political solution.

Far from the "realism and a spirit of compromise" called for in Council resolution 1813 (2008) as a necessity for the success of the negotiations, POLISARIO and its allies confirm, through their actions, that they prefer to block progress, at the cost of the suffering and distress that continue to plague the populations of the Tindouf camps in Algerian territory.

In line with the clear and steadfast position it has always held, the Kingdom of Morocco, while reiterating its strong support for your efforts and those of your Personal Envoy to reach a negotiated political solution, reaffirms forcefully that it

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can by no means accept or tolerate any change in the status quo in this zone, which, since the proclamation of the ceasefire in September 1991, has been free from any civilian or military presence.

I should be grateful if you would have this letter circulated to the members of the Security Council and issued as a document of the Council.

(*Signed*) El Mostafa **Sahel**
Ambassador
Permanent Representative

United Nations S/2008/349

Security Council

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2 June 2008

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France: draft resolution

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1664 (2006), 1686 (2006), 1748 (2007), 1757 (2007), 1373 (2001) and 1566 (2004),

Reaffirming its strongest condemnation of the 14 February 2005 terrorist bombing, as well as of all other attacks in Lebanon since October 2004, and reaffirming also that those involved in these attacks must be held accountable for their crimes,

Having examined the report of the International Independent Investigation Commission (S/2008/210) ("The Commission"), submitted pursuant to resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1686 (2006), and 1748 (2007),

Commending the Commission for its outstanding professional work and the progress it continues to achieve under difficult circumstances in assisting the Lebanese authorities in their investigation into all aspects of this terrorist act,

Taking note of the request to extend the mandate of the Commission expressed by the Commissioner in his briefing to the Security Council on 8 April 2008, in order to ensure stability and continuity in the investigative process,

Taking note of the letter of the Prime Minister of Lebanon of 8 May 2008 (S/2008/334, Enclosure) to the Secretary-General expressing the hope that the Security Council will respond favourably to the Commissioner's request by extending the mandate of the Commission until 31 December 2008, and noting the concurrent recommendation of the Secretary-General in this regard,

Willing to continue to assist Lebanon in the search for the truth and in holding all those involved in this terrorist attack accountable,

1. *Welcomes* the report of the Commission;

2. *Decides* to extend the mandate of the Commission until 31 December 2008 and declares its readiness to terminate the mandate earlier if the Commission reports that it has completed the implementation of its mandate;

3. *Requests* the Commission to report to the Council on the progress of the investigation at the latest in six months, and at any other earlier time if it deems appropriate;

4. *Decides* to remain seized of the matter.

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